

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 21-109 (WMW/HB)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) JOINT MOTION TO
v.) CONTINUE TRIAL
)
DEREK MICHAEL CHAUVIN,)
)
Defendant.)
)

COMES NOW the United States of America, by and through its undersigned attorneys, Manda M. Sertich, Assistant United States Attorney for the District of Minnesota, and Samantha Trepel, Special Litigation Counsel for the Civil Rights Division, and Defendant, by and through his counsel Eric Nelson (together “the parties”), respectfully move the Court for an Order continuing any trial in this matter until May 1, 2022.

Defendant is charged in this case with federal civil rights violations stemming from the arrest of Juvenile 1 on September 4, 2017. Defendant is charged with two counts of deprivation of rights under color of law, in violation of 18 U.S.C. § 242, for willfully depriving Juvenile 1 of the right to be free from Defendant’s use of unreasonable force, resulting in bodily injury.

Defendant was separately charged with two federal civil rights violations stemming from the death of George Floyd in police custody on May 25, 2020, in Criminal Case No. 21-108 (PAM/TNL). On December 15, 2021, Defendant pled guilty to Count 1 of that Indictment, which charged Defendant with using constitutionally unreasonable force on

May 25, 2020, resulting in the death of Mr. Floyd. Defendant also pled guilty to one count of an Information in Criminal Case No. 21-108 charging him with using constitutionally unreasonable force on September 4, 2017, resulting in bodily injury to Juvenile 1. Count 1 of the Information is the same as Count 1 in the case before the Court. As part of the Plea Agreement, the United States agreed to dismiss the Indictment in this case at the time of sentencing so long as the Court sentences the Defendant in accordance with the Plea Agreement.

Based on the foregoing, the parties respectfully request that the Court continue setting any trial or additional deadlines in this case until May 1, 2022. Further, in light of the facts described above and the Defendant's consent which will be filed separately, the parties believe that it is in the interest of justice to exclude the time between the filing of this motion and May 1, 2022. In particular, this will allow time for the sentencing hearing to take place in Criminal Case No. 21-108, which will in turn likely result in the dismissal of the present case.

Dated: December 30, 2021

Respectfully submitted,

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